

**Notice of Allowability**

Application No.

10/015,951

Applicant(s)

STEFIK ET AL.

Examiner

Art Unit

James A. Reagan

3621

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Terminal Disclaimer filed on 08 November 2006.
2. ☒ The allowed claim(s) is/are 1-38.
3. ☒ The drawings filed on 17 December 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

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**DETAILED ACTION**

**Status of Claims**

1. This action is in response to the Terminal Disclaimer filed on 08 November 2006.
2. Claims 1, 8, 21, and 27 have been amended by Examiner's Amendment below.
3. Claims 36-38 have been added by Examiner's Amendment below.
4. Claims 1-38 have been examined.

**Terminal Disclaimer**

5. The terminal disclaimer filed on 08 November 2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of 23 November 2014 has been reviewed and is accepted. The terminal disclaimer has been recorded.

**Allowable Subject Matter**

6. Claims 1-38 are allowed. See Reasons for Allowance under separate heading.

**EXAMINER'S AMENDMENT**

7. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

8. Authorization for this examiner's amendment was given in a telephone interview with Carlos Villamar on 30 October 2006.

The application has been amended as follows:

1. (Currently amended) A computer readable medium having embedded thereon a digital work adapted to be distributed within a system for controlling use of digital works, said digital work comprising:

a digital content portion that is renderable by a rendering device;

a usage rights portion associated with said digital content portion and comprising one or more computer readable instructions configured to permit or prohibit said rendering device to render said digital content portion, said usage rights portion being expressed as statements from a usage rights language having a grammar defining a valid sequence of symbols, and specifying a manner of use relating to one or more purposes for which the digital work can be used by an authorized party; and

a description structure comprising a plurality of description blocks, each of said description blocks comprising address information for at least one part of said digital work, ~~zero or more pointers to other description blocks,~~ and a usage rights part for associating one or more usage rights portions.

2. (Previously presented) The digital work as recited in claim 1, wherein said usage rights portion further specifies status information indicating the status of the digital work.

3. (Previously presented) The digital work as recited in claim 1, wherein said usage rights portion further specifies a usage fee associated with exercise of the manner of use, said usage fee comprising a fee type and fee parameters.

4. (Original) The digital work as recited in claim 3 wherein said fee type is a metered use fee and said fee parameters comprise a fee unit and a time unit.

5. (Original) The digital work as recited in claim 3 wherein said fee type is a per use fee and said fee parameter comprises a fee unit.

6. (Original) The digital work as recited in claim 3 wherein said fee type is a best price fee and said fee parameters comprise an identifier to identify said best price.

7. (Original) The digital work as recited in claim 3 wherein said fee type is a scheduled fee and said fee parameters comprise time units and fee units.

8. (Original) The digital work as recited in claim 3 wherein said fee type is a mark-up fee and said fee parameters comprise a mark-up percentage.

9. (Previously presented) The digital work as recited in claim 1 wherein said digital content portion and said usage rights portion are stored on the same physical device.

10. (Previously presented) The digital work as recited in claim 1, wherein said digital content portion and said usage rights portion are stored on different physical devices.

11. (Currently amended) A method for creating a digital work to be used in a system for use of the digital work, said method comprising:

obtaining a digital content portion that is renderable by a rendering device;

associating a usage rights portion with the digital content portion, the usage rights portion comprising one or more computer readable instructions configured to permit or prohibit said rendering device to render said digital content portion, said usage rights portion being expressed

as statements from a usage rights language having a grammar defining a valid sequence of symbols, and specifying a manner of use relating to one or more purposes for which the digital work can be used by an authorized party;

describing said digital work by a description structure comprising a plurality of description blocks, each of said description blocks comprising address information for at least one part of said digital work, ~~zero or more pointers to other description blocks,~~ and a usage rights part for associating one or more usage rights portions; and

combining the digital content portion and the usage rights portion to create the digital work.

12. (Previously presented) A method as recited in claim 11, wherein said combining step comprises storing the digital content portion and the usage rights portion on the same physical device.

13. (Previously presented) A method as recited in claim 11, wherein said combining step comprises storing the digital content portion and the usage rights portion on different physical devices.

14. (Previously presented) A method as recited in claim 11, wherein said usage rights portion further specifies a usage fee associated with exercise of the manner of use.

15. (Original) The method as recited in claim 14, wherein said usage fee comprises usage fee information including a fee type and fee parameters.

16. (Original) The method as recited in claim 15 wherein said fee type is a metered use fee and said fee parameters comprise a fee unit and a time unit.

17. (Original) The method as recited in claim 15 wherein said fee type is a per use fee and said fee parameters comprise a fee unit.

18. (Original) The method as recited in claim 15 wherein said fee type is a best price fee and said fee parameters comprise an identifier to identify the best price.

19. (Original) The method as recited in claim 15 wherein said fee type is a scheduled fee and said fee parameters comprise time units and fee units.

20. (Original) The method as recited in claim 17 wherein said fee type is a mark-up fee and said fee parameters comprise a mark-up percentage.

21. (Currently amended) A computer readable medium having embedded thereon a digital work adapted to be distributed within a system for controlling use of digital works, said digital work comprising:

a digital content portion that is renderable by a rendering device;

a usage rights portion associated with said digital content portion and comprising one or more computer readable instructions configured to permit or prohibit said rendering device to render said digital content portion, said usage rights portion being expressed as statements from a usage rights language having a grammar defining a valid sequence of symbols, and specifying conditions relating to one or more purposes for which the digital work can be used by an authorized party; and

a description structure comprising a plurality of description blocks, each of said description blocks comprising address information for at least one part of said digital work, ~~zero or more pointers to other description blocks,~~ and a usage rights part for associating one or more usage rights portions.

22. (Previously presented) A digital work as recited in claim 21, wherein the conditions relate to the number of copies of the digital work that are in use.

23. (Previously presented) A digital work as recited in claim 21, wherein the conditions relate to the number of time units for which the digital work can be used.

24. (Previously presented) A digital work as recited in claim 21, wherein the conditions relate to the revenue owner of the digital work.

25. (Previously presented) A digital work as recited in claim 21, wherein the conditions relate to the publication date of the digital work.

26. (Previously presented) A digital work as recited in claim 21, wherein the conditions relate to the history of the use and distribution of the digital work.

27. (Previously presented) A method for creating a digital work to be used in a system for controlling use of the digital work, said method comprising:

obtaining a digital content portion that is renderable by a rendering device;

associating a usage rights portion with the digital content portion, the usage rights portion comprising one or more computer readable instructions configured to permit or prohibit said rendering device to render said digital content portion, the usage rights portion being expressed as statements from a usage rights language having a grammar defining a valid sequence of symbols, and specifying conditions relating to one or more purposes for which the digital work can be used by an authorized party;

describing said digital work by a description structure comprising a plurality of description blocks, each of said description blocks comprising address information for at least one part of

said digital work, ~~zero or more pointers to other description blocks,~~ and a usage rights part for associating one or more usage rights portions; and

combining the digital content portion and the usage rights portion to create the digital work.

28. (Previously presented) A method as recited in claim 27, wherein said combining step comprises storing the digital content portion and the usage rights portion on the same physical device.

29. (Previously presented) A method as recited in claim 27, wherein said combining step comprises storing the digital content portion and the usage rights portion on different physical devices.

30. (Previously presented) A method as recited in claim 27, wherein the conditions relate to the number of copies of the digital work that are in use.

31. (Previously presented) A method as recited in claim 27, wherein the conditions relate to the number of time units for which the digital work can be used.

32. (Previously presented) A method as recited in claim 27, wherein the conditions relate to the revenue owner of the digital work.

33. (Previously presented) A method as recited in claim 27, wherein the conditions relate to the publication date of the digital work.

34. (Previously presented) A method as recited in claim 27, wherein the conditions relate to the history of the use and distribution of the digital work.

35. (Previously presented) The digital work as recited in claim 1, wherein said description blocks further include one or more pointers to other description blocks.

36. (New) A method as recited in claim 11, wherein said description blocks further include one or more pointers to other description blocks.

37. (New) A digital work as recited in claim 21, wherein said description blocks further include one or more pointers to other description blocks.

38. (New) A method as recited in claim 27, wherein said description blocks further include one or more pointers to other description blocks.

### Reasons For Allowance

9. The following is an Examiner's statement of reasons for allowance:

None of the art of record, taken individually or combination, disclose at least the method step or system components of:

- *obtaining a digital content portion that is renderable by a rendering device;*
- *associating a usage rights portion with the digital content portion, the usage rights portion comprising one or more computer readable instructions configured to permit or prohibit said rendering device to render said digital content portion, the usage rights portion being expressed as statements from a usage rights language having a grammar defining a valid sequence of symbols, and specifying conditions relating to one or more purposes for which the digital work can be used by an authorized party;*

- *describing said digital work by a description structure comprising a plurality of description blocks, each of said description blocks comprising address information for at least one part of said digital work, and a usage rights part for associating one or more usage rights portions; and*
- *combining the digital content portion and the usage rights portion to create the digital work.*

More specifically, the prior art of record fails to disclose attaching usage rights to a protected digital work specifically identifying descriptor blocks that that assign usage rights to the digital work.

Independent Claims 1, 8, 21, and 27 are distinguished over the closest prior art of Perritt, which teaches various levels of permission for digital works. See at least page 1 of the white paper. As recited in independent claims 1, 8, 21, and 27, it is clear that the Applicant's invention is distinguished over the Perritt disclosure in at least the method step of *describing said digital work by a description structure comprising a plurality of description blocks, each of said description blocks comprising address information for at least one part of said digital work, and a usage rights part for associating one or more usage rights portions, etc.* Although Perritt does disclose various levels of permission for digital works, Perritt does not disclose usage based upon descriptor blocks.

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### Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Rule Generation Device For Utilizing A Software Component by Mihoko Kishi and Koichi Kachi, 30 March 1990, discloses "...automatically formulating, by using formal language...restriction script texts."
- Fabbio (US 5,335,346 A) discloses a system and method that provides an access control list which spans across object boundaries in an object-oriented database. In addition to providing read and write access permissions, the access control list provides execute semantics which apply to the execution of methods in an object oriented database. Within the entries of the access control lists, each of the permissions for read, write, and execute can be assigned separately to each of a number of ids representing user ids or group ids. Upon request for access to the data by the user, the user id of the user and the group ids for which the user is a member are searched for within the entries to determine whether the user has the privileges to perform the operation requested against the objects. In addition, the access control policies are inherited from an object's superobject; resulting in a least privilege for the object (abstract).
- Hinsley et al. (US 5,295,266 A) discloses user roles a system has an associated user privilege set indicating the privileges granted to that role that may be selectively enabled or disabled by that role (column 2, lines 25-27).

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- Corbin (US 5,138,712 A) discloses a software application that provides verification and license check out functions that are normally performed by a license server of a network software license system. The encrypted license information is contained in a license token, and is stored in the database controlled by the license server (abstract).
  - Weber (Digital Rights Management Technologies) discusses the general purpose and guiding framework with regard to DRM.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **James A. Reagan** whose telephone number is **571.272.6710**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **ANDREW J. FISCHER** can be reached at **571.272.6779**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks**

**Washington, D.C. 20231**

or faxed to **571-273-8300**.

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window**:

Randolph Building

401 Dulany Street

Alexandria, VA 22314.

JAMES A. REAGAN

Primary Examiner

Art Unit 3621

15 November 2006

JAMES A. REAGAN  
PRIMARY EXAMINER

